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RULES SUPPLEMENT TO PART-I
EXTRAORDINARY

OF

THE TELANGANA GAZETTE
PUBLISHED BY AUTHORITY

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NOTIFICATIONS BY GOVERNMENT

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**INDUSTRIES AND COMMERCE DEPARTMENT
(MINES-I)**

AMENDMENTS TO THE TELANGANA STATE SAND MINING
RULES, 2015.

[G.O.Ms.No.15, Industries and Commerce (Mines-I), 19th February, 2015.]

In exercise of the powers conferred by Section 15(1) of Mines & Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Telangana hereby issues the following amendments to the Telangana State Sand Mining Rules, 2015 issued in G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, Dated 08-01-2015.

AMENDMENT

In the said rules,

1. In the Rule-3 for the words “Sand extraction in I and II order streams” shall be substituted with the words “**Sand extraction in I, II and III order (notified over exploited areas) streams**”.

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2. In the Rule-3(6) for the words "*The District Collector shall put in place proper administrative mechanism for enforcement of extraction and transportation of sand in I and II order Streams comprising of:*" shall be substituted with the words "**The District Collector shall put in place proper administrative mechanism for enforcement of extraction and transportation of sand in I, II and III (Notified over exploited areas) order Streams comprising of**".

3. In the Rule-4(1)(iii)(a) for the words "*The Ground Water Dept. shall issue the feasibility report under Water, Land and Tree Rules, 2004 or any suitable subsequent rules/amendments to be issued by the Govt. from time to time with geo-coordinates of the specified sand bearing areas, with specific recommendations on the mode of sand extraction*". shall be substituted with the words "**The Ground Water Dept. shall issue the feasibility report under Water, Land and Tree Rules, 2004 or any suitable subsequent rules/ amendments to be issued by the Govt. from time to time, record the geo-coordinates of the specified sand bearing area as marked on ground by the Revenue Dept., with two permanent reference points alongwith specific recommendations on the thickness and mode of sand extraction.**"

4. In the Rule-4(1)(iii)(c) for the words "*The Revenue Department shall demarcate the specified sand bearing area and furnish plan on village map.*" shall be substituted with the words "**The Revenue Department shall demarcate the specified sand bearing area as per the geo-coordinates recorded alongwith two permanent reference points and furnish sketch to be appended to the Agreement of Allotment in Form-S1.**"

5. In the Rule 4(1)(d) in the clause 5(2) of CONDITIONS in Form-S1 for the words "Pay the seigniorage fee and obtain way bills in Form-S2 from the Asst. Director of Mines & Geology concerned and despatch sand from the specified sand bearing area to specified stockyard" shall be substituted with the words "**Pay the seigniorage fee in advance and obtain Permit for Despatch for Sand in Form-S2 from the Asst. Director of Mines & Geology concerned and despatch sand from the specified sand bearing area to stockyard**".

6. In the Rule 5(1)(d), for the words "Extract and despatch sand from the allotted sand bearing area to approved stockyard alongwith the way bill in Form-S2 issued by the Asst. Director of Mines & Geology concerned after

paying the seigniorage fee and other taxes as per the prevailing scheduled rate or revised from time to time” shall be substituted with the words **“Extract and dispatch sand from the allotted sand bearing area to approved stockyard by duly paying seigniorage fee and other taxes in advance as per the prevailing scheduled rate or revised from time to time and obtain Permit for Despatch of Sand in Form-S2 from the Asst. Director of Mines & Geology concerned for the quantity of sand proposed for extraction”**.

7. In the Rule-6 for the words *“Regulation of sand extraction in III and above order streams/Rivers:”* shall be substituted with the words **“Regulation of sand extraction in III (non notified areas) and above order streams/ Rivers:”**

8. In the Rule-7(4) for the words *“After receipt of orders from the Govt. the Asst. Director of Mines & Geology concerned shall collect the seigniorage fee for the entire assessed sand quantity in advance, security deposit in the form of Bank Guarantee in favour of Asst. Director of Mines & Geology equivalent to seigniorage fee on the assessed sand quantity and enter into an agreement in Form-S5 before issue of dispatch permits in Form-S3”* the following shall be substituted:

- (a) **After receipt of orders from the Govt. the District Collector shall issue necessary permission to the pattadar for de-casting sand.**
- (b) **The pattadar shall furnish refundable security deposit equivalent to 25% of seigniorage fee on the entire assessed quantity of sand in the form of Demand Draft in favour of Asst. Director of Mines & Geology concerned, enter into an agreement in Form-S4 as appended to this order, remit seigniorage fee on the quantity of sand proposed for de-cast in advance before issue of dispatch permits in transit form in Form-S3.”**

9. For the Rule-7(5), under the heading **“Responsibilities of Pattadar”**, the following shall be substituted;

- (a) **Shall dispose the de-casted sand from the pattaland and dispatch alongwith transit form in Form-S3 issued by the Asst. Director of Mines & Geology concerned duly indicating the quantity, destination, date and time. Every vehicle carrying sand de-cast from pattaland shall carry**

Form-S3 at all times from source to end consumption point.

- (b) The de-casted sand shall be disposed from the pattaland as per the sale price fixed by the Government from time to time.**
- (c) The loading of sand from the pattaland shall be as per the capacity of the vehicle permitted by the Transport Dept.**
- (d) Any contravention by the pattadar during the de-casting, the Chairman, DLSC may order for collection of:**
 - (i) Rs.1,00,000/- or Rs.500/- per Cu. Mt. whichever is higher as penalty on de-casting sand beyond the specified extent or in excess of permitted depth.**
 - (ii) Repeated violations will result in cancellation of permission and forfeiture of security deposit.**

10. In the Rule-8(c)(ii) for the words "*Sand de-silted shall be dispatched to the stockyard registered under A.P. Mineral Dealers' Rules, 2000 by competent authority with Form-S4 issued by the Asst. Director of Mines & Geology concerned.*" shall be substituted with the words "**Sand de-silted shall be dispatched to the stockyard registered under A.P Mineral Dealers' Rules, 2000 by competent authority by duly paying seigniorage fee and other taxes in advance as per the prevailing scheduled rate or revised from time to time and obtain Permit for Despatch of Sand in Form-S2 from the Asst. Director of Mines & Geology concerned for the quantity of sand proposed for de-silting**".

11. In the Rule-8(e), the following shall be added at the end "**However, the Government is competent to cancel earlier allotment, if any, and order for refund of the amount to bring such reservoirs under the control of Telangana State Mineral Development Corporation**".

12. For the Rule-13, under the heading "**Offences**", the following shall be substituted "**Any vehicle found transporting sand without valid transit pass issued by the Asst. Director of Mines & Geology concerned to Telangana State Mineral Development Corporation OR transit form issued to the pattadar for de-casting sand from pattaland will be deemed illegal and in contravention of these rules**". The definition of transit form and transit pass is as described below:

Sl. No.	Type of Documentary Evidence	Purpose	Rule
1	Transit form	Source to Destination in respect of de-casting in pattaland	Form-S3 (Rule 7(4) of TSSMR, 2015)
2	Transit pass	Stockyard to Destination in respect of TSMDC	Form-E (Rule 6 of APMDR, 2000)

- (1) Any vehicle transporting sand alongwith transit pass issued by the Asst. Director of Mines & Geology concerned to Telangana State Mineral Development Corporation OR transit form issued to the pattadar, if found, carrying sand in excess of the quantity specified in the transit pass / transit form OR in excess of quantity permitted by the Transport Dept., such excess quantity shall be imposed a fine @ Rs.2000/- per MT.
- (2) Any vehicle/machinery, if found, involved in illegal extraction and transportation of sand in contravention of these rules shall be levied penalty for such each vehicle/machinery as detailed below:

Vehicle Type	First time (In Rs.)	Second time (In Rs.)
Tractor	5,000/-	15,000/-
Lorry upto 10 tons capacity	25,000/-	50,000/-
Lorry above 10 tons capacity	50,000/-	1,00,000/-
Machinery	50,000/-	1,00,000/-

- (3) The vehicle/machinery, found involved more than two times, such vehicle/machinery alongwith sand shall be seized/confiscated by the following officers in the State authorized under these rules:
- District Collector (Concerned)
 - Joint Collector (Concerned)
 - Superintendent of Police (Concerned)
 - Additional Superintendent of Police/OSD (Concerned)
 - Sub-Collector/ Revenue Divisional Officer (concerned).
 - Tahsildar (concerned) Mandal.
 - Sub-Divisional Police Officer (concerned).
 - Station House Officer (concerned).

- i) District/Divisional Panchayat Officer
 - j) Deputy Director of Mines and Geology (Concerned)
 - k) Asst. Director of Mines & Geology (concerned).
 - l) Any other officer nominated by the Dist. Collector (concerned).
- (4) An officer authorized under sub-rule (3) shall follow the procedure as under to confiscate any vehicle/machinery:
 - a) Issue show cause notice to the person/owner from whom the vehicle/machinery is to be seizure/confiscated.
 - b) Immediately take steps by preparing seizure/confiscation report and produce the vehicle/machinery before the Competent Court to enable the person/owner from whom the vehicle/machinery is seized to file an application under Section 451 of Criminal Procedure Code (Cr.P.C) for release of vehicle/machinery, whereupon the Competent Court shall pass orders in accordance with law.
 - c) In the alternative, the person/owner from whom vehicle/machinery is to be seized shall be permitted to submit explanation to the show cause notice alongwith an application to the authorized officer seeking release of vehicle/machinery.
 - d) Upon receipt of explanation to the show cause notice and the application for release of vehicle/machinery, the authorized officer shall consider the application and pass appropriate orders in accordance with law, within a period of two weeks there from, on production of security of Rs.25,000/- in case of tractor; Rs.1,00,000/- in case of vehicle upto 10 tonnes capacity; Rs.1,50,000/- in case of vehicle above 10 tonnes capacity and Rs.2,00,000/- for any machinery, in the form of Demand Draft drawn in favour of the authorized officer alongwith an affidavit/undertaking to produce the seized vehicle/machinery as and when required.
 - e) If the person from whom the vehicle/machinery is seized, fails to comply sub-rule (4) clause 'd', the authorized officer shall issue order for disposal of seized vehicle/machinery in public auction in consultation with Transport Department

within (15) days from the date of seizure order.

- f) **The fine paid as per the orders of Competent Court; the security furnished as per sub-rule (4) clause ‘d’ OR the proceeds as per sub-rule (4) clause ‘e’ shall be deposited in the head of account ‘0853-102-81–other receipts’ and the original challan shall be sent to the Asst. Director of Mines & Geology concerned.**
13. In the Rule 14, the following shall be added at the end **“The transit form for the seized sand shall be issued by the Asst. Director of Mines & Geology concerned in Form-S5 appended to this order”.**
14. In the Rule 15, for the following words “(i) In case of I & II order streams” and (ii) In case of III and above order streams/rivers” shall be substituted with the words **“(i) In case of I, II & III order (notified over exploited) streams” and (ii) In case of III (non-notified) and above order streams/rivers”.**
15. For Rule 16, the following shall be substituted **“No other person or agency other than Telangana State Mineral Development Corporation shall be issued Mineral Dealer Licence for stocking/storing/trading of sand under A.P. Mineral Dealers’ Rules, 2000 or under any suitable subsequent rules/amendments to be issued by the Government from time to time”.**
16. In the Form-S1 for the words *‘the Joint Collector’* shall be substituted with the words **“the District Collector and Chairman, District Level Sand Committee”.**
17. For the Form-S2 read with Rule 5(1)(d) and for the Form-S4 read with Rule 8(c)(ii), **revised Form-S2 is attached to this G.O.**
18. For the Form-S3 read with Rule 7(4), **revised Form-S3 is attached to this G.O.**
19. For the Form-S5 read with Rule 7(4), **revised Form-S4 is attached to this G.O.**

K. PRADEEP CHANDRA,
*Special Chief Secretary to Government and
Commissioner for Industrial Promotion.*

GOVERNMENT OF TELANGANA

FORM-S2

{ See Rule 5(1)(d) and 8(c)(ii) }

Permit for Despatch of Sand

Permit No. _____ Dated: _____.

Permit is hereby granted to M/s. _____ to Despatch _____ cubic meters / metric tonnes of Sand from the Specified Sand bearing area situated in Sy.No. _____ of _____ Village, _____ Mandal, _____ District / De-silting Reservoir or Tank Name _____ in _____ Village _____ Mandal, _____ District in consideration of payment of a sum of Rs. _____ being Seigniorage Fee on the said quantity, subject to the following conditions:

1. The permit is valid for _____ days from _____ to _____ and shall expire on _____.
2. The permit is not transferable.
3. The permit shall be surrendered after the quantity noted therein is dispatched within a week after last consignment of despatch alongwith the despatch particulars by giving the details of the name of consignee, date of despatch etc.
4. The permit holder shall maintain Production & Despatch Register at the allotted sand bearing area or de-silting reservoir/tank with the details of, destination, quantity, vehicle number, date of despatch etc.
5. The permit holder shall transport the extracted sand to the specified stockyard by tractors having capacity not more than 3 Cu.Mts.
6. The permit holder shall comply with above conditions.

Issuing Authority.

**GOVERNMENT OF TELANGANA
FORM-S3**

**Transit Form for Pattalands
{See Rule 7(4)}**

Transit Form No._____.

District Code:____

Book No._____

Order No. & Date of permission issued by DLSC/ADM&G _____.

1. Name of the Pattadar :
2. Name & Address of the Consignee :
3. Location of the De-casting area :
 - a) Sy.No.
 - b) Village
 - c) Mandal
4. Destination :
5. Date & Time of issue :
6. Vehicle No. :
7. Quantity :
8. VAT/TIN No. :

Signature of the Consignor/
Authorized Person.

Signature of the
Issuing Authority

Conditions :

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the transit form and hand it over to consignee.
3. The original Transit Form shall be surrendered by the consignor to the issuing authority.

FORM-S4

Agreement for De-casting Sand from the
Pattaland. [See Rule 7(4)]

This agreement entered into on this ____ day of _____, 20____ between Asst. Director of Mines & Geology _____ District on behalf of Government of Telangana State, which expression shall unless repugnant to the subject or context mean and include its successors, assignees and representatives etc., on one part.

AND

Sri/Smt/M/s _____, Rep. by _____ located at _____ (hereinafter referred to as pattadar) which expression shall include its successors in interest on other part.

Whereas, the Collector vide order No. _____ dated _____ accorded permission for de-casting sand from pattaland situated between the following geo-coordinates:

Pattaland permitted for de-casting sand				
Sl.No. Reference Point	Geo-Coordinates		Extent (in Ha)	Qty. of sand to be de-casted (in Cu.Mt)
	Longitude	Latitude		

This contract is subject to the extent, terms and conditions of order, Telangana State Sand Mining Rules, 2014 or any suitable Rules/Amendments to be issued by Govt. from time to time.

NOW IT IS MUTUALLY AGREED AND DECLARED BY AND BETWEEN PARTIES HERETO AS FOLLOWS:

1. SCOPE OF THE WORK:

The pattadar shall de-cast sand from the specified pattaland situated in Survey No. _____, _____ Village, _____ Mandal, _____ District.

2.PERIOD OF THE AGREEMENT:

- (i) The agreement shall be in force with effect from _____ to _____.
- (ii) The agreement is not transferable.

3. QUANTITY OF SAND TO BE DE-CASTED; The Pattadar shall:

- (i) De-cast sand as per the quantity indicated in the order of confirmation from the specified pattaland as estimated by the Ground Water Department during joint inspection.
- (ii) De-casting shall confine to the thickness specified by the Ground Water Department from the pattaland having the boundaries fixed.
- (iii) Pay Security Deposit in the form of Bank Guarantee in favour of the Asst. Director of Mines & Geology concerned equivalent to 30% of Seigniorage Fee on the entire assessed sand quantity for de-casting as per the prevailing rates or revised from time to time.

ADM&G

PATTADAR

- (iv) Dispose the de-casted sand during the period of agreement after payment of Seigniorage Fee in advance as per the prevailing rates or revised from time to time.
- (v) Dispatch de-casted sand from the pattaland after obtaining Transit Form in Form-S3 from the competent authority.
- (vii) Maintain records of dispatch of de-casted sand from the specified pattaland and shall file monthly returns on the quantity of sand de-casted to the Asst. Director of Mines & Geology concerned.

4. PAYMENT OF SEIGNIORAGE FEE:

The Pattadar shall pay Seigniorage Fee in advance for the quantity of sand proposed to be de-casted from time to time as per the prevailing scheduled rates or revised from time to time in the Zilla Parishad General Funds and furnish challan to the Asst. Director of Mines & Geology for obtaining transit form in Form-S3.

5. CONDITIONS: The Pattadar shall:

1. Abide by the conditions and the rules made under River Conservancy Act, 1884, Andhra Pradesh Water Land & Trees Act 2002 or any suitable Rules/Amendments to be issued by Govt. from time to time and Environment Protection Act 1986 and subsequent amendments issued by the State and Central Governments from time to time.
2. Obtain way bills in Form S3 from the Asst. Director of Mines & Geology concerned and dispatch de-casted sand from the specified pattaland.
3. Maintain daily production and dispatch register & statutory returns/clearances prescribed under various statutes at the specified area.
4. De-cast sand from the specified pattaland in a systematic manner as per the guidelines issued by the District Collector from time to time.
5. Not allow vehicles carrying sand to ply over the flood banks.
6. Use the paths authorized by the Tahsildar concerned to approach the specified pattaland.
7. Disposal of de-casted sand from specified pattaland shall be through designated route only.
8. Not to de-cast sand more than the permitted quantity and beyond the specified thickness. Sand de-casted beyond the specified boundaries or in excess of permitted thickness shall be treated as unauthorized de-casting and liable for penalization.
9. Erect and maintain at his own expense, boundary pillars at each corner or angle in the line of boundary of the Specified pattaland for de-casting sand.
6. Any other specific condition deemed fit in the opinion of the District Collector/Chairman, DLSC on a case-to-case basis as per local conditions (to be mentioned).

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GOVERNMENT OF TELANGANA

FORM-S5**Transit Form for Seized sand****{See Rule 14}****Transit Form No.**_____.**District****Code:**_____**Book No.**_____**Order No. & Date of permission issued by DLSC/ADM&G**

_____.

1. Name & Address of the Consignee :

2. Location of the Seized sand area :

b) Sy.No.

b) Village

c) Mandal

3. Destination :

4. Date & Time of issue :

5. Vehicle No. :

6. Quantity :

7. VAT/TIN No. :

Signature of the Consignor/

Authorized Person.

Signature of the

Issuing Authority

Conditions :

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the transit form and hand it over to consignee.
3. The original Transit Form shall be surrendered by the consignor to the issuing authority.